

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF:

FLOY-DEAN ANNETTE JACKSON,

Complainant,

and

BOARD OF EDUCATION,  
WAUKEGAN COMMUNITY UNIT SCHOOL  
DISTRICT NO. 60,

Respondent.

CHARGE NO(S): 2007CA2483  
EEOC NO(S): N/A  
ALS NO(S): 08-0172

**NOTICE**

You are hereby notified that the Illinois Human Rights Commission has not received timely exceptions to the Recommended Order and Decision in the above named case. Accordingly, pursuant to Section 8A-103(A) and/or 8B-103(A) of the Illinois Human Rights Act and Section 5300.910 of the Commission's Procedural Rules, that Recommended Order and Decision has now become the Order and Decision of the Commission.

STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION

Entered this 7th day of January 2011

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N. KEITH CHAMBERS  
EXECUTIVE DIRECTOR

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

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**BOARD OF EDUCATION, WAUKEGAN  
COMMUNITY UNIT SCHOOL DISTRICT  
NO. 60,  
Respondent.**

**Charge No.: 2007CA2483**

**EEOC No.: N/A**

**ALS No.: 08-172**

**RECOMMENDED ORDER AND DECISION**

On April 17, 2008, Complainant, Floy-Dean Annette Jackson, filed a complaint on her own behalf against Respondent, Board of Education, Waukegan Community Unit School District No. 60. That complaint alleged that Respondent discriminated against Complainant on the basis of her age and race when it subjected her to unequal terms and conditions of employment.

This matter now comes on to be heard on Respondent's Motion to Dismiss. Complainant was served with that motion, but has not filed a response and the time for filing such a response has passed. The matter is ready for decision.

The Illinois Department of Human Rights (IDHR) is an additional statutory agency that has issued state actions in this matter. Therefore, the IDHR is named herein as an additional party of record.

**FINDINGS OF FACT**

The following facts were derived from the record file in this matter.

1. Complainant, Floy-Dean Annette Jackson, still works for Respondent, Board of Education, Waukegan Unit School District No. 60.

2. On September 12, 2008, Complainant placed a telephone call to Kathryn Vander

Broek, counsel for Respondent.

3. In that September 12 conversation, Complainant told Vander Broek that she was no longer working under her former supervisor and therefore had no further difficulty working for Respondent. She also said she was no longer interested in pursuing her claim.

4. Vander Broek told Complainant that she should write to the presiding Administrative Law Judge to indicate her desire to drop the case. Complainant then asked Vander Broek if she would deliver the letter for her. Vander Broek agreed.

5. Complainant sent a hand-written letter to Vander Broek. In that letter, Complainant stated that she wished to "withdraw from Charge no. 2007CA2483 without hesitation, intimidation, frustration, aggravation, reservation, and further communication, etc."

6. Complainant's hand-written letter was attached to Respondent's Motion to Dismiss, along with an affidavit from Vander Broek.

7. Complainant did not respond to the motion to dismiss.

#### CONCLUSIONS OF LAW

1. Complainant's letter is the functional equivalent of a motion for voluntary dismissal.

2. The complaint in this matter, and the underlying charge, should be dismissed with prejudice.

#### DISCUSSION

It is clear from the circumstances surrounding this case that Complainant no longer has any interest in pursuing her claim of discrimination. Although she still works for Respondent, she is no longer working under the supervisor with whom she disagreed. Accordingly, Complainant seeks to dismiss this matter.

The hand-written letter that Complainant sent to Respondent's counsel states that Complainant wants to withdraw her charge. There is no doubt that the letter is genuine. After

all, Complainant was served with a copy of the motion to dismiss and raised no objection. Under these circumstances, there is no just reason why her request should not be granted.

RECOMMENDATION

Based upon the foregoing, Complainant voluntarily wishes to withdraw her claim against Respondent. Accordingly, it is recommended that the complaint and underlying charge in this matter be dismissed in their entirety, with prejudice.

HUMAN RIGHTS COMMISSION

BY: \_\_\_\_\_  
MICHAEL J. EVANS  
CHIEF ADMINISTRATIVE LAW JUDGE  
ADMINISTRATIVE LAW SECTION

ENTERED: April 8, 2010